



1 MICHAEL A. SWEET (SBN 184345)
2 msweet@foxrothschild.com
3 JACK PRAETZELLIS (SBN 267765)
4 jpraetzellis@foxrothschild.com
5 **FOX ROTHSCHILD LLP**
6 345 California Street, Suite 2200
7 San Francisco, California 94104
8 Telephone: (415) 364-5540
9 Facsimile: (415) 391-4436

The following constitutes the order of the Court.
Signed: November 29, 2022

M. Elaine Hammond

10
11 Attorneys for Chapter 7 Trustee Richard Marshall,
12 **U.S. Bankruptcy Judge**

13 UNITED STATES BANKRUPTCY COURT
14

15 NORTHERN DISTRICT OF CALIFORNIA
16

17 SAN JOSE DIVISION
18

19 In re: Case No. 21-51255-MEH
20 DUTCHINTS DEVELOPMENT LLC, Chapter 7
21 Debtor.

22 **ORDER GRANTING TRUSTEE'S
MOTION TO APPROVE COMPROMISE
WITH OWNERS OF 18500 AND 18520
MARSHALL LANE, SARATOGA, CA**

23 Date: November 10, 2022
24 Time: 10:00 a.m.

25 The Honorable M. Elaine Hammond,
26 United States Bankruptcy Judge

27 This is an order on the Motion of Richard Marshack, trustee ("Trustee") for the Chapter 7
28 bankruptcy estate of Dutchints Development LLC (the "Debtor"), pursuant to Federal Rule of
Bankruptcy Procedure 9019, for approval of a compromise with John H. Bellicitti, as Trustee of the
John and Monica Bellicitti 2015 Revocable Trust under Trust Agreement dated July 9, 2015, as
amended, FBO John H. Bellicitti as his sole and separate property, and as Trustee of the Harry L.
Bellicitti Exempt Trust under Trust Agreement dated April 16, 1997, as amended FBO John H.
Bellicitti ("John"); Mary F. Driggs, as Trustee of the Mary F. Driggs 2012 Separate Property Trust
under Trust Agreement dated July 17, 2012, as amended, and as Trustee of the Harry L. Bellicitti
Exempt Trust under Trust Agreement dated April 16, 1997, as amended, FBO Mary F. Driggs
("Mary"); Robert J. Bellicitti, as Trustee of the Bellicitti 2015 Revocable Trust under Trust

1 Agreement dated July 9, 2015, as amended, FBO Robert J. Bellicitti, as his sole and separate
2 property, and as Trustee of the Harry L. Bellicitti Exempt Trust under Trust Agreement dated April
3 16, 1997 as amended FBO Robert J. Bellicitti (“Robert”); and Harry L. Bellicitti, Jr., as Trustee of
4 The Harry and Carol Ann Bellicitti 2015 Revocable Trust under Trust Agreement dated July 8,
5 2015, as amended, FBO Harry L. Bellicitti, Jr. as his sole and separate property, and as Trustee of
6 the Harry L. Bellicitti Exempt Trust under Trust Agreement dated April 16, 1997, as amended, FBO
7 Harry L. Bellicitti, Jr. (“Harry”) (collectively, the “Owner”) over that certain purchase and sale
8 agreement, as amended (the “PSA”) (the "Motion")¹.

9 Having considered the Motion, the declarations in support, the objection and declarations
10 filed by 18500 Marshall Lane LLC and all related pleadings, as well as the arguments of counsel,
11 and for the reasons stated on the record and good cause appearing the Motion is granted.

12 IT IS HEREBY ORDERED THAT:

13 1. The Objection filed by 18500 Marshall Lane LLC is overruled.
14 2. The Compromise is approved.
15 3. The PSA is terminated and rejected.

16 4. \$145,000 of the \$160,000 deposit made on October 24, 2018 to the Escrow shall be
17 distributed to the Trustee and the remainder of the money deposited with the Escrow in connection
18 with the PSA shall be distributed to the Owner.

19 5. The releases contained in the Agreement shall be immediately effective.
20 6. The stay under Bankruptcy Rule 6004(h) is waived and this order shall be
21 immediately effective.

22 7. Without further order of the Court, the Trustee is authorized to take any and all steps,
23 including but not limited to executing such additional and further documents, that are reasonably
24 necessary to effectuate the Compromise.

25 ///
26 //
27

28 ¹ Unless otherwise indicated, this Order adopts the definitions set forth in the Motion.

1 Approved as to form:

2 /s/ *Monique Jewett-Brewster*

3 Monique Jewett-Brewster

4

5 *****END OF ORDER****

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Court Service List

All relevant parties served by ECF